

AO 106 (Rev. 7/87) Affidavit for Search Warrant

United States District Court
Southern District of Texas
FILEDAUG 25 2008
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

Michael N. Milby Clerk

In the Matter of the Search of
(Name, address or brief description of person, property or premises to be searched)
An Express Mail Parcel label# EB765631075US,
approximately 12" X 12" X 12" addressed to
Robert Smith, 942 Hank aaron dv., SE. ATL. GA.,
30315, bearing a return address of Manuel
Montez, 3612 ST. Marie st., Pharr Tx 78577.

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

CASE NUMBER:

M-08-5458-M

I Manuel P. Zavala being duly sworn depose and say:I am a(n) U. S. Postal Inspector and have reason to believe
Official TitleThat On the person of or X On the property or premises known as (name, description and/or location)

An Express Mail Parcel label# EB765631075US, approximately 12" X 12" X 12" addressed to Robert Smith, 942
Hank aaron dv., SE. ATL. GA., 30315, bearing a return address of Manuel Montez, 3612 ST. Marie st., Pharr Tx
78577.

in the SOUTHERN District of TEXAS
there is now concealed a certain person or property, namely (describe the person or property to be seized)

contraband, narcotics, narcotic paraphernalia or proceeds;

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

Property that constitutes evidence of the commission of a criminal offense; or, contraband, the fruits of crime, or
thing otherwise criminally possessed;Concerning a violation of Title 21 United States code, Section (s) 841(a)(1), 843(b) and 846,
853(a), and 881(a)(6)

The facts to support a finding of Probable Cause are as follows:

Continued on the attached sheet and made a part hereof.

X Yes No

Signature of Affiant
8/22/08

Signature of Affiant

Sworn to before me, and subscribed in my presence
and I find probable cause.August 25, 2008
Dateat McAllen, TX
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer
Signature of Judicial Officer

COUNTY OF HIDALGO

*

*

STATE OF TEXAS

*

I, Manuel P. Zavala, having been duly sworn, do hereby depose and state:

1. I am a United States Postal Inspector, currently assigned to the Houston Division Office in McAllen, Texas. As part of my duties, I investigate the use of the U. S. Mails to illegally mail and receive controlled substances and drug trafficking instrumentalities, in violation of Title 21, United States Code, Sections 841 (a) (1), 843 (b), 846, 853 (a), and 881 (a) (6). I have received training in identifying suspect prohibited mailings in Basic Postal Inspector Training as well as in my division office.

2. Investigations by Postal Inspectors and other federal, state and local law enforcement officials indicate that the area of South Texas, sometimes referred to as "the Valley," is a significant crossing point for illegal drugs into the United States of America. The U. S. Postal Service is one of the means used for transporting both the illegal controlled substances and the money used to pay for those illegal controlled substances. Numerous parcels found to contain illegal controlled substances have been mailed from the Texas Rio Grande Valley for delivery in other cities in the United States.

3. From my training and experience, I know that illegal transactions in controlled substances are typically conducted with United States Currency. United States Currency is used to pay for illegal controlled substances because of the readily identifiable value and because of the difficulty in tracing currency transactions. As a result, large quantities of United States Currency are a "tool of the trade" of illegal drug trafficking and the presence of a large quantity of United States Currency is an indicator of drug trafficking activity.

4. The U. S. Postal Inspection Service conducts a continuous drug interdiction program at the McAllen, TX, Processing and Distribution Center. This affidavit is made in support of an application for a federal search warrant to search a United States Express Mail parcel label# EB765631075US, identified on August 21, 2008, described as follows:

| | |
|--------------------|--|
| Addressee: | Robert Smith 942 Hank Aaron Dr SE ATL, GA, 30315 |
| Return Addressee: | Manuel Montez 3612 St. Marie St Pharr, TX 78577 |
| Postmarked: | August 21, 2008 |
| Weight: | 12 Lbs. |
| Office of Mailing: | San Juan, TX 78589 |


5. Research into Postal databases revealed that the return address, 3612 St. Marie St, Pharr, TX 78577, is fictitious. In addition, Postal Inspectors inquired with the letter carrier who further confirmed the information received from the Postal databases.

6. It is the experience of your Affiant, as well as many other police officers engaged in the investigation of narcotic offenses, that the odor of the narcotic escapes from packages containing narcotics and money representing proceeds of narcotics, handled by narcotic dealers, will retain traces of the narcotic. Therefore, the odor of the narcotics in packages and on the currency is many times detectable by narcotic detection canines.

7. On August 22, 2008, the aforementioned subject parcel was exposed to a narcotic detection canine named "ZANA" at the U. S. Postal Inspection Service, McAllen Domicile,

McAllen, TX. L. Martinez, Canine Officer, with the U. S. Border Patrol Service, handles "ZANA". "ZANA" is certified by the standards of the U. S. Border Patrol Service Canine Enforcement Program. As a result of "ZANA's" past alerts, there have been numerous drug and drug proceed seizures. "ZANA" conducted an exterior examination of the above-described parcel and strongly alerted to the presence of narcotics in the aforementioned Priority Mail parcel.

8. Based on the facts set forth in this Affidavit, your Affiant believes there is probable cause to believe that the aforementioned subject Priority Mail parcel contains narcotics, narcotic paraphernalia or proceeds from narcotic trafficking. Your Affiant, therefore, seeks the issuance of a search warrant for the seizure of this parcel, and the contents contained therein and any other evidence, fruits of crime, and instrumentalities, in violation of Title 21, United States Code, Sections 841 (a) (1), 843 (b), 846, 853(a), and 881 (a) (6).



Manuel P. Zavala
Postal Inspector

SWORN to and subscribed before me this 25th day August 2008.



Peter E. Ormsby
UNITED STATES MAGISTRATE JUDGE